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EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT PAPER NUMBER

2672

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,948

Applicant(s)

BENSON ET AL.

Examiner

Motilewa A. Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 October 2000.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-45 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . 6) Other: _____

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DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed on 10/04/2000.
2. Claims 1-45 are pending in this application. Claims 1 and 43-45 are independent claims. No claims have yet been amended.
3. The present title of this application is "System and Method for Manipulating Digital Images" (as originally filed).

Claim Rejections - 35 USC § 101

Double Patenting

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

5. Claim 16 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 21. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah, U.S. Patent Number 6,477,580, "Self-Described Stream in a Communication Services Patterns Environment", class 709/231.

As per independent claim 1, a method for manipulating a digital image comprising: identifying an image for processing at a local client computer; Bowman-Amuah discloses an image map, col. 45, lines 65-67; sending the image to a remote server; manipulating either locally or remotely parameters . . . without modifying the image itself; Bowman-Amuah discloses access services which allow a user to retrieve data from a database and manipulate the data in a client-server environment, col. 51, lines 60-67; and synchronizing the local client computer and remote server . . . Bowman-Amuah discloses sending messages between a sending system and a receiving system and attaching meta-data to the message. Bowman-Amuah further discloses the data include identifiers for a type of object, attribute descriptors, and meta-data interpretations, col. 2, lines 19-43.

With respect to dependent claim 2, synchronizing step includes updating local client software for manipulating the image. Bowman-Amuah discloses synchronization, col. 50, lines 31-30.

With respect to dependent claim 3, manipulating step includes manipulating a proxy image associated with the image. Bowman-Amuah discloses a customer component proxy and a customer proxy, col. 246, lines 15-19.

With respect to dependent claim 4, proxy image is a lower resolution image than the image. Bowman-Amuah discloses proxy images, col. 246, lines 15-19.

With respect to dependent claim 5, proxy image is a higher resolution image than the image. Bowman-Amuah discloses proxy image, col. 246, lines 15-19.

With respect to dependent claim 6, manipulating the proxy image includes creating metadata describing the manipulations to the image, applying the metadata to the proxy image . . . Bowman-Amuah discloses a obtaining a proxy and a structure of data through the proxy, col. 247, lines 53-67..

With respect to dependent claim 7, manipulating step includes . . . a. selecting between the image and a proxy image . . . , b. modifying the selected image . . . , and c. displaying the modified selected image. Bowman-Amuah discloses a customer component proxy and a customer proxy, col. 246, lines 15-19.

With respect to dependent claim 8, storing the metadata as a file associated with the image at each of the local client computer and the remote server. Bowman-Amuah discloses metadata describing the formatting of the real data in the message of the stream data between two systems, col. 235, lines 20-37.

With respect to dependent claim 9, metadata includes rotation information.

Bowman-Amuah discloses view configurer to assign new views, col. 248, lines 60-67.

With respect to dependent claim 10, metadata includes cropping information.

Bowman-Amuah discloses assigning new views with their activity, col. 248, lines 60-67.

With respect to dependent claim 11, metadata includes user interface state information. Bowman-Amuah discloses user interface component to describe functional windows, col. 130, lines 21-39.

With respect to dependent claim 12, step of manipulating the parameters includes capturing state information . . . Bowman-Amuah discloses capturing tool information for creation of transformation and/or enhancements, col. 175, lines 11-16.

With respect to dependent claim 13, capturing a history of the state information and selecting any of the previous states without traversing back through each intermediary state . . . Bowman-Amuah discloses configuration management for managing the object through implementation, delivery and enhancements, col. 175, lines 40-49.

With respect to dependent claim 14, parameter that can be manipulated can be selected from image parameters, account parameters and order parameters. Bowman-Amuah discloses business components associated with entities including customer (account), product (image), and order inventory, col. 128, lines 62-67.

With respect to dependent claim 15, image parameters include the state of the user interface. Bowman-Amuah discloses user interface component to describe functional windows, col. 130, lines 21-39.

With respect to dependent claim 16, image parameters include image archival information. Bowman-Amuah discloses versioning, which maintains a historical record of the document changes, col. 53, lines 65-67.

With respect to dependent claim 17, image parameters include annotation information. Bowman-Amuah discloses presentation services, col. 37, lines 43-44.

With respect to dependent claim 18, image parameters include backprint information. Bowman-Amuah discloses print services, col. 45, lines 60-67.

With respect to dependent claim 19, image parameters include order information. Bowman-Amuah discloses business components such as order inventory, col. 128, lines 66-67.

With respect to dependent claim 20, image parameters includes pricing information. Bowman-Amuah discloses product considerations such as cost, col. 37, lines 30-36.

With respect to dependent claim 21, image parameters include image archival information. Bowman-Amuah discloses versioning services which maintain a historical record of the document, col. 53, lines 65-67.

With respect to dependent claim 22, defining a personal template that describes a particular configuration for the parameters . . . Bowman-Amuah discloses describing components based on the environment such as order business components having order entry on the client side and order management on the server side, col. 127, lines 1-10.

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With respect to dependent claim 23, account parameters include verification data for the client. Bowman-Amuah discloses credit check and fraud analysis in a business domain, col. 127, lines 52-53.

With respect to dependent claim 24, order parameters includes envelope information. Bowman-Amuah discloses direct manipulation services through a user interface of iconic visual representations of objects, col. 48, lines 31-39.

With respect to dependent claim 25, synchronization step is bi-directional. Bowman-Amuah discloses synchronization services for supporting the needs of the user and synchronizing the information with the central server, col. 54, lines 16-23.

With respect to dependent claim 26, synchronization step includes checking for conflicts between metadata stored at the local client computer and the remote server . . . Bowman-Amuah discloses conflict resolution mechanisms, col. 51, lines 22-23.

With respect to dependent claim 27, receiving a selection from the user regarding the client and synchronizing the local client computer and remote server . . . Bowman-Amuah discloses synchronization services for supporting the needs of the user and synchronizing the information with the central server, col. 54, lines 16-23.

With respect to dependent claim 28, storing two different states of the metadata at each of the local client computer and the remote server . . . Bowman-Amuah discloses directory services which store information about network and user resources and relationships, col. 53, lines 1-25.

With respect to dependent claim 29, Bowman-Amuah discloses conflict resolution mechanisms, col. 51, lines 22-23.

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With respect to dependent claim 30, Bowman-Amuah discloses print services, col. 45, lines 60-67.

With respect to dependent claim 31, displaying on both the local client computer and the remote server a similar image metaphor for manipulating the original image. Bowman-Amuah discloses a hyperlink metaphor for manipulating documents, col. 46, lines 27-33.

With respect to dependent claim 32, image metaphor includes an envelope for dropping selected images into when ordering. Bowman-Amuah discloses direct manipulation services through a user interface of iconic visual representations of objects, col. 48, lines 31-39.

With respect to dependent claim 33, Bowman-Amuah discloses tool leverage to resolve conflicts when code are merged, col. 176, lines 61-65.

With respect to dependent claim 34, metadata describing the manipulations without modifying the image, the metadata being stored at the computer . . . Bowman-Amuah further discloses the data include identifiers for a type of object, attribute descriptors, and meta-data interpretations, col. 2, lines 19-43.

With respect to dependent claim 35, local client computer is selected form the group of PDA, portable computer, kiosk, fax machine . . . Bowman-Amuah discloses a data processing network connecting a workstation to a communication network, col. 10, lines 29-48.

With respect to dependent claim 36, connection between the local client computer and remote server is wireless. Bowman-Amuah discloses wireless messaging, col. 59, lines 44-52.

With respect to dependent claim 37, synchronization step occurs at a next open session . . . Bowman-Amuah discloses replication done on a scheduler, col. 50, lines 14-15.

With respect to dependent claim 38, synchronization step occurs at the end of current session . . . Bowman-Amuah discloses replication done initiated by a user, col. 50, lines 14-15.

With respect to dependent claim 39, synchronization step occurs in real time . . . Bowman-Amuah discloses real-time replication/synchronization, col. 50, line 41-15

With respect to dependent claim 40, parameters include print parameters. Bowman-Amuah discloses print services, col. 45, lines 60-67.

With respect to dependent claim 41, parameters include print calibration parameters. Bowman-Amuah discloses print services, col. 45, lines 60-67.

With respect to dependent claim 42, parameters include display parameters. Bowman-Amuah discloses a customer component proxy and a customer proxy, col. 246, lines 15-19.

As per independent claims 43-45, they are rejected based upon similar rational as above independent claim 1.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (703) 305-3939. The examiner can normally be reached on Monday - Friday 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Motilewa A. Good-Johnson
Examiner
Art Unit 2672

mgj
December 14, 2002



JEFFREY A. BRUES
EXAMINER